IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1283 of 1997

Between:

1. C. Ram Mohan Reddy S/o C.G. Venkat Narayana Reddy R/o Yamjal, Shameerpet Mandal, Rangareddy District.
2. C. Sudhakar Reddy S/o C. Venkat Narayana Reddy R/o Yamjal, Shameerpet Mandal, Rangareddy District.
3. C. Narasimha Reddy S/o C. Venkat Narayana Reddy, R/o Yamjal, Shameerpet Mandal, Rangareddy District. rep. by G.P.A. J. Ganga Reddy.
4. C. Chandra Reddy S/o C. Venkat Narayana Reddy R/o Yamjal, Shameerpet Mandal, Rangareddy District.

……..PETITIONERS

AND

1. Commissioner of Land Revenue, A.P.,Nampally, Hyderabad.
2. The District Revenue Officer, Rangareddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other Writ or Writs, order or direction declaring and setting aside the order dt. 5-12-96 passed in CLR Ref.No.TT3/3520/96 and the order dated 12-7-90 passed in file No. B1/15043/77 on the file of second respondent as illegal, arbitrary and without jurisdiction and pass.

Counsel for the Petitioners :MR.K.RAJI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER :

Heard both the counsel.

2. The Writ Petition is filed to issue a Writ of Mandamus or any other Writ or Writs, order or direction to declare the order dated 5-12-1996 passed in CLR Ref.No.TT3/3520/96 and order dated 12-7-90 passed in file No.B1/15043/77 on the file of second respondent as illegal and arbitrary and set aside the same.

3. The matter relates to the controversy whether the subject lands are belonging to Sri Sitaramaswamy temple or the private parties. The main grievance ventilated by the writ petitioners is that while ordering deletion of the name of existing persons since 1952 in relation to Serial No.688 to 712 and 716 situated at Devar Yamzal village, Shameerpet Mandal, R.R. District.in pattadar column, by the District Revenue Officer, Ranga Reddy District, by order dated 12-7-1990 though the properties of the petitioners have also been included, they were not the parties to the said proceedings and thus, their rights are affected. It is also submitted that the petitioners had no knowledge about the same and however, they have moved a review petition under Section 166 of Andhra Pradesh (Telangana Area) Land Revenue Act, 1317-F and Section 114 under XLVII CPC (hereinafter in short referred to as Act for the purpose of convenience) before the District Revenue Officer, Ranga Reddy District. By order dated 22-7-1996, the said review was dismissed and aggrieved by the same, the petitioners preferred an appeal to the Commissioner of land Revenue A.P.-first respondent and the same was also dismissed as not maintainable both on account of limitation and also on the ground that the provision is not applicable. Aggrieved by the same, the present writ petition

is filed.

4. No doubt there is some controversy between the parties whether Section 166 of the Act or Section 166 B of the Act would be applicable to the facts of the case. It is no doubt contended that the question of limitation of 90 days may not be applicable to the facts and circumstances of the case since these parties are non-parties to the order made by the District Revenue Officer, Ranga Reddy District dated 12-7-1990 and from the date of knowledge, Review was preferred under Section 166 of the Act within time. It is the controversy that the properties of the petitioners had also been shown in the order dated 12-7-1990 made by the District Revenue Officer, Ranga Reddy District. These parties were not impleaded as parties and without giving any opportunity to the petitioners, the deletion of the existing persons since 1952 was affected. As against the same, the petitioners moved by way of review under section 166 of the Act which resulted in dismissal by order dated 22-7-1996 and the same was carried by way of appeal to the Commissioner of Land Revenue, A.P.-first respondent herein and the same was dismissed as not maintainable.

5. It is pertinent to see that when the deletion of the names from the entries had been ordered relating to the properties, all the persons to be affected by such deletion, should be put on notice and after hearing all the parties, the competent authority could have passed the order. The parties concerning with Sri Sitaramaswamy temple had not been put on notice. Apart from this aspect of the matter, the petitioners had not been put on notice while making the order dated 12-7-1990.

6. In the facts and circumstances, in as much as the District Revenue Officer had made an order without hearing both the parties, the impugned orders dated 5-12-1996 and 12-7-1990 so far as they relate to petitioners' properties are hereby set aside and the mater is remanded to the District Revenue Officer, Ranga Reddy District to treat the same as a proceedings under Section 166 b of the Act and issue notice to the petitioners and also to Sri Sitaramaswamy temple and all other concerned parties who will be affected by virtue of this deletion and to pass appropriate orders in this regard after affording an opportunity to all the parties concerned, within a period of three months from the date of receipt copy of this order.

7. The writ petition is disposed of accordingly. No order as to costs.

P.S. NARAYANA,J

Dated 26th November, 2004

Dvs

To

1. Commissioner of Land Revenue, A.P.,Nampally, Hyderabad.
2. The District Revenue Officer, Rangareddy District.

3. Two CCs to the GP for Revenue, High Court Buildings.

(OUT).

4. Two CD copies.

THE HON'BLE MR JUSTICE P.S.NARAYANA

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26th November, 2004